IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventors: Philip W. Diodato
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Case 8-35-22

Serial No. 09/742,314 **Group Art Unit** 2815

Filed December 21,2000

Examiner J.H. Nguyen

Title Inter-Wiring-Layer Capacitors

2/A
5-7-02
T. Flowers

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Amendments

This reply is in response to the Official Action mailed December 27, 2001.

IN THE CLAIMS

Please cancel claims 9-24 without prejudice.

Remarks

Claims 1-8 are currently pending in this application. Claims 9-24 are canceled without prejudice in response to the Examiner's restriction requirement.

The Examiner rejected applicants' claims 1, 2 and 7, stating that the claims are anticipated under 35 USC § 102(e). The Examiner cited US Patent No. 6,180,976 to Roy (Roy hereinafter) as the basis for the rejection.

Applicants' invention is an integrated circuit that consists of a semiconductor substrate with semiconductor devices formed therein and thereon, a first wiring layer located over the substrate, a second wiring layer located on the first wiring layer, and a capacitor. The capacitor has metal-based charge-storage electrodes that extend through